

**MEMO ENDORSED**, at page 2

January 28, 2023  
Attn: U.S. District Judge Ramos

**Title:** Motion for leave to file a new action  
**Re:** Komatsu v. City of New York, No. 20-cv-7046(ER)  
(GWG) (S.D.N.Y.)

This submission is in response to Chief Judge Swain’s 1/26/23 order in Komatsu v. Urban Pathways, Inc., No. 22-cv-9080 (LTS)(S.D.N.Y. Jan. 26, 2023) that is hereinafter referred to as “K1”. She illegally was assigned to K1 sua sponte on 12/23/22 instead of as a result of the required random assignment process. I’m partly requesting in this letter authorization to commence a new action about the claims that I asserted in my complaint in K1 that were against Steven Banks, Penny Ringel, and Lorri Kletter that resulted from illegal acts by them that aren’t barred by estoppel nor res judicata and pertain to public meetings partly in violation of my **a)** First Amendment rights of expression, receiving information, petitioning for redress, and expressive association and **b)** Fourteenth Amendment due process, equal protection, and liberty rights as well as my protections against discrimination, abuse of process, and selective-enforcement. Since I’m not requesting authorization in this letter about acts that were taken to prevent me from attending public meetings, what I’m requesting is beyond the scope of your 12/15/20 filing restrictions against me I’m also requesting for you to immediately perform your legal duties pursuant to the Code of Conduct for U.S. Judges that require you to escalate a complaint that I report to you about misconduct by a different judge to have appropriate corrective action taken. Judge Swain’s assignment to K1 illegally wasn’t the result of a random assigned process. It needed to be because that is the process by which new civil actions are required to be assigned to judges in this judicial district largely to prevent biased and corrupt judges from being able to monopolize certain types of cases and engage in recidivism while doing so against the same parties about related matters. The fact that the assignment of K1 to a judge didn’t result from a random assignment is both plain and structural error. Also, she illegally ignored my 12/24/22 filing in K1 in which I informed her that her assignment to K1 illegally wasn’t the result of a random assignment. She illegally violated my First Amendment rights by ignoring that 12/24/22 filing. Her disregard for that filing constitutes prohibited bias against me that further confirms that she is unfit to be assigned to any litigation in which I’m a party.

From,

9119 Pembroke Ct.  
Fort Mill, SC 29707

Towaki Komatsu

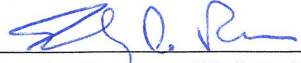
Tel: 347-316-6180

[Towaki\\_Komatsu@yahoo.com](mailto:Towaki_Komatsu@yahoo.com)

s\_/Towaki Komatsu

*Plaintiff, Pro Se*

The application is \_\_\_\_ granted  
                                  x denied



\_\_\_\_\_  
Edgardo Ramos, U.S.D.J

Dated: January 31, 2023

New York, New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**Towaki Komatsu,**

Plaintiff,

**-against-**

**The City of New York et al.,**

Defendants.

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Case No. 20-cv-7046 (ER)(GWG)

**Declaration of Towaki Komatsu**

I, Towaki Komatsu, declare under the penalty of perjury on 8/30/22 that the following is entirely true and accurate:

1. The purpose of my submission that appears on the preceding page and the information that is otherwise referenced within it is related to this case instead of being frivolous, in bad faith, or for any improper purpose, such as to harass or cause unnecessary delay.

2. That submission and the information on this page complies with this Court's orders, the Federal Rules of Civil Procedure, and this Court's Local Rules. They are also pursuant to controlling findings that exist in Goldberg v. Kelly, 397 U.S. 254, 90 S. Ct. 1011, 25 L. Ed. 2d 287 (1970) and Triestman v. Federal Bureau of Prisons, 470 F.3d 471 (2d Cir. 2006).

From,

From,

Towaki Komatsu

s\_ /Towaki Komatsu  
*Plaintiff, Pro Se*

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